

JUN 01 2006 001

**MORRISON | FOERSTER**555 WEST FIFTH STREET  
LOS ANGELES  
CALIFORNIA 90013-1024TELEPHONE: 213.892.5200  
FACSIMILE: 213.892.5454

WWW.MORO.COM

MORRISON & FOERSTER LLP  
NEW YORK, SAN FRANCISCO,  
LOS ANGELES, PALO ALTO,  
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WALNUT CREEK, CENTURY CITY  
TOKYO, LONDON, BEIJING,  
SHANGHAI, HONG KONG,  
SINGAPORE, BRUSSELS**To:**

NAME:	FACSIMILE:	TELEPHONE:
U.S. Patent and Trademark Office ATTN: Office of Petitions (Patents)	(571) 273-8300	(571) 272-3282

**FROM:** Beverly S. Carter**DATE:** June 1, 2006

Number of pages with cover page:	33	RE: U.S. Patent Application No. 09/758,632 Our Ref.: 39303-20222.00
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Preparer of this slip has confirmed that facsimile number given is correct:

9098/BSC4**CAUTION - CONFIDENTIAL**

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

**Comments:**

RE: Request to Withdraw Abandonment, Request to Withdraw Issue and filing of RCE

Please see the attached. The original documents have been sent by express mail to MS Petitions.

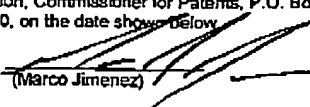
IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL  
BEVERLY S. CARTER AT 213 892 5267 AS SOON AS POSSIBLE.

LA-791626

RECEIVED 002  
CENTRAL FAX CENTER

JUN 01 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airmail No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 1, 2006 Signature:   
(Marco Jimenez)

Sent By Facsimile (571-273-8300)  
and Express Mail  
Docket No.: 393032022200

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR  
DETECTING PERFORMER'S MOTION  
TO INTERACTIVELY CONTROL  
PERFORMANCE OF MUSIC OR THE  
LIKE

Examiner: M. Fletcher

Group Art Unit: 2837

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
PURSUANT TO 37 C.F.R. §§ 1.181 and 1.8(b)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTION

On April 6, 2006, the Patent Office mailed a Notice of Abandonment stating the present application was abandoned. The Notice stated the Applicants had failed to pay the issue fee and publication fee within three months of the mailing date of the Notice of Allowance. The Notice of Allowance was mailed on October 19, 2005.

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Application No.: 10/758,632

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Docket No.: 393032022200

Applicants respectfully submit that they responded to the Notice of Allowance in a timely manner by facsimile on October 28, 2005 and that both of these fees were timely paid. Therefore, Applicants hereby petition the Commissioner to withdraw the holding of abandonment.

### BACKGROUND

The present application was filed on January 10, 2001. The application was duly prosecuted and a first Notice of Allowance was mailed on December 11, 2003. Part B (Fee Transmittal) of the Notice of Allowance indicated an issue fee in the amount of \$1,330 and a publication fee of \$300. Applicants timely submitted the first Fee Transmittal by first class mail on February 20, 2004 and therein authorized the Patent Office to charge the required fees to Deposit Account No. 03-1952. A copy of the transmitted first Fee Transmittal is attached as Exhibit A to the accompanying statement of Ms. Beverly Carter. A copy of the stamped postcard receipt that properly identifies the first Fee Transmittal is attached as Exhibit B.

On October 7, 2004, Applicants filed a petition to withdraw the present application from issuance along with an RCE and a supplemental IDS. The petition was granted on October 13, 2004.

On October 28, 2004, a second Notice of Allowance was mailed after the Examiner considered the newly submitted IDS. Part B (Fee Transmittal) of the second Notice of Allowance indicated an issue fee of \$40 and a publication fee of \$0. The \$40 fee reflected an increase in the issue fee from the previous Fee Transmittal. Because the publication fee had not increased, the second Fee Transmittal correctly indicated that no publication fee was due. Applicants submitted another supplemental IDS on January 12, 2005 and, thereafter, timely submitted the second Fee Transmittal by first class mail on January 27, 2005 authorizing the Patent Office to charge \$70 (reflecting the correct increase) to Deposit Account No. 03-1952. A copy of the transmitted second Fee Transmittal is attached as Exhibit C. A copy of the stamped postcard receipt that properly identifies the second Fee Transmittal is attached as Exhibit D.

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On October 19, 2005, a third Notice of Allowance was mailed after the Examiner considered the second supplemental IDS submitted in January 2005. Part B (Fee Transmittal) of the third Notice of Allowance indicated an issue fee of \$0 and a publication fee of \$0. The transmittal thus correctly reflected that the Applicants had fully and timely paid the issue fee and publication fee through the submissions of the first and second Fee Transmittals. Applicants timely submitted the third Fee Transmittal by facsimile on October 28, 2005. Even though no fees were due, Applicants authorized the Patent Office to charge any required fees to Deposit Account No. 03-1952. A copy of the transmitted third Fee Transmittal along with facsimile cover sheet is attached as Exhibit E. A copy of the return receipt confirmation of facsimile transmission to the Patent Office is attached as Exhibit F.

On April 6, 2006, the Patent Office mailed a Notice of Abandonment for failure to pay the issue fee and the publication within three months of the mailing date of the third Notice of Allowance.

#### **REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**

As explained above and shown in the accompanying exhibits E and F, Applicants timely submitted the third Fee Transmittal. The third Fee Transmittal set a deadline of January 19, 2006, and Applicants submitted the transmittal on October 28, 2005 via facsimile as indicated by the signed certificate of transmission. Even though no fees were due, Applicants authorized in the third Fee Transmittal the payment of any fees relating to the third Notice of Allowance.

The holding of abandonment by the Patent Office is apparently a result of the Patent Office not having evidence of receiving the third Fee Transmittal. To that end, Applicants respectfully request that the transmission of the third Fee Transmittal on October 28, 2005 be considered pursuant to 37 C.F.R. § 1.8(b).

The requirement of § 1.8(b)(1) is met, because Applicants are submitting this petition in a timely manner after receipt of the Notice of Abandonment. When Applicants submitted the third Fee Transmittal, they received the return receipt confirmation (Exhibit F). There was no reason to

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Docket No.: 393032022200

believe that the application would be abandoned eight months later. Only after the Patent Office indicated that the application had become abandoned did the Applicants realize that the Patent Office may not have evidence of receiving the third Fee Transmittal.

The requirement of § 1.8(b)(2) is satisfied in that the accompanying statement of Ms. Carter attaches, as Exhibit E, a copy of the submitted third Fee Transmittal with the signed certificate of transmission. A copy of the returned receipt confirmation from the Patent Office is also attached as Exhibit F.

The requirement of § 1.8(b)(3) is met by the accompanying statement of Ms. Carter. Ms. Carter signed the certificate of transmission on October 28, 2005. She provided the third Fee Transmittal with the signed certificate and a facsimile cover page to the facsimile department of her employment (the law firm of Morrison & Foerster). The department transmitted the third Fee Transmittal and the cover page on October 28, 2005. A copy of the facsimile department's transmission report is attached as Exhibit G. It shows that on October 28, 2005, at 3:19 PST, a two page fax was successfully transmitted to facsimile no. (571) 273-2885 for the matter or docket number 20222, which is the matter number of the present application. The Patent Office then immediately sent a return receipt confirmation on 6:21 EST as set forth in Exhibit F.

In view of the above showing, Applicants respectfully submit that the third Fee Transmittal was submitted in a timely fashion on October 28, 2005. Thus, the application is not in fact abandoned, and Applicants respectfully request that the Patent Office withdraw the holding of abandonment.

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It is not believed that any fees are due with this Petition. In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032022200.

Dated: June 1, 2006

Respectfully submitted,

By 

Mehran Arjomand

Registration No.: 48,231

MORRISON &amp; FOERSTER LLP


555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5630

la-858272

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Dated: June 1, 2006 Signature: 

(Marco Jimenez)

Sent By Facsimile (571-273-8300)  
and Express Mail  
Docket No.: 393032022200

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR  
DETECTING PERFORMER'S MOTION  
TO INTERACTIVELY CONTROL  
PERFORMANCE OF MUSIC OR THE  
LIKE

Examiner: M. Fletcher

Group Art Unit: 2837

**PETITION TO WITHDRAW APPLICATION FROM  
ISSUE PURSUANT TO 37 CFR 1.313 (c)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants filed a petition to withdraw the present application from issuance on April 13, 2006. In a decision dated May 4, 2006, the petition was dismissed because the application was held to be abandoned for failure to take appropriate action in response to Notice of Allowance mailed on October 19, 2005. A notice of abandonment was mailed on April 6, 2006.

Applicants respectfully submit that they responded in a timely manner to the Notice of Allowance and that, in fact, the application is not abandoned. To that end, Applicants are filing

LA-861423

# Transaction List

Search by

☐ Accounting Date:  Operator ID:   
(MMDDYY)

Accounting Date

Starts:

Ends:

☒ Name/Number:

☐ Attny Docket No:

☐ Deposit Account No:



Accounting Date	Operator ID	Seq No	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acc
04/19/2006	WASFAW1	28	SALE	1801	A	790.00	09758632	031952
04/19/2006	WASFAW1	27	SALE	1464	A	130.00	09758632	031952
02/02/2005	LWONDIM2	283	SALE	8001	A	30.00	09758632	031952
02/02/2005	LWONDIM2	282	SALE	1501	A	1,400.00	09758632	031952
02/02/2005	LWONDIM2	281	ADJ	1501	A	-1,330.00	09758632	031952
01/18/2005	TLUU11	26	SALE	1806	A	180.00	09758632	031952
10/14/2004	AKELLEY	16	SALE	1801	A	790.00	09758632	031952
10/14/2004	AKELLEY	15	SALE	1460	A	130.00	09758632	031952
02/26/2004	MBERHE1	390	SALE	8001	A	30.00	09758632	031952
02/26/2004	MBERHE1	389	SALE	1504	A	300.00	09758632	031952
02/26/2004	MBERHE1	388	SALE	1501	R	1,330.00	09758632	031952

Adjustment Detail

Authorization Detail



BEST AVAILABLE COPY



Application No.: 10/758,632

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Docket No.: 393032022200

herewith a petition to withdraw the holding of abandonment pursuant to 37 C.F.R. §§ 1.181 and 1.8(b).

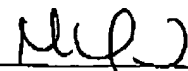
In the event that the petition is granted and the holding of abandonment is withdrawn, Applicants hereby renew their petition to the Commissioner to withdraw the present application from issue. Three office actions citing references were mailed in connection with related Japanese applications. Accordingly, Applicants request withdrawal from issue to file an Information Disclosure Statement (IDS) pursuant to 37 C.F.R. § 1.97 and § 1.98 with a Request for Continued Examination (RCE). The IDS and RCE are enclosed with this petition.

Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) or (i). Fee transmittal form PTO/SB/17 is enclosed is duplicate.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032022200.

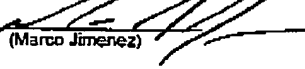
Dated: June 1, 2006

Respectfully submitted,

By   
Mehran Arjomand  
Registration No.: 48,231  
MORRISON & FOERSTER LLP  
555 West Fifth Street, Suite 3500  
Los Angeles, California 90013  
(213) 892-5630

1a-861423

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV70101506ZUS, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 1, 2006 Signature: 

(Marco Jimenez)

**Sent By Facsimile (571-273-8300)  
and Express Mail**  
Docket No.: 393032022200

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR  
DETECTING PERFORMER'S MOTION  
TO INTERACTIVELY CONTROL  
PERFORMANCE OF MUSIC OR THE  
LIKE

Examiner: M. Fletcher

Group Art Unit: 2837

**STATEMENT ATTESTING TO TIMELY TRANSMISSION OF FACSIMILE  
PURSUANT TO 37 CFR § 1.8 (b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. I, Beverly Carter, am a Senior Paralegal at Morrison & Foerster LLP.
2. I am responsible for handling the payment of the issue fee and publication fee of the present application.
3. On December 11, 2003, a first Notice of Allowance was mailed. Part B (Fee Transmittal) of the first Notice of Allowance indicated an issue fee of \$1330 and a publication fee of

LA-858302

Application No.: 10/758,632

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Docket No.: 393032022200

\$300. The first Fee Transmittal was signed by an attorney of record and authorized payment of any fees. I then submitted the first Fee Transmittal by first class mail to the Patent Office on February 20, 2004 along with a signed certificate of mailing. A copy of the first Fee Transmittal and the signed certificate of mailing is attached as Exhibit A. A copy of a stamped postcard receipt that properly identifies the first Fee Transmittal is attached as Exhibit B.

4. On October 28, 2004, a second Notice of Allowance was mailed. Part B (Fee Transmittal) of the second Notice of Allowance indicated an issue fee of \$40 and a publication fee of \$0. The second Fee Transmittal was signed by an attorney of record and authorized payment of any fees, including \$70 reflecting the correct increase in the issue fee from the previous payment. I then directed my assistant Enrique Moreno to submit the second Fee Transmittal by first class mail to the Patent Office. A copy of the second Fee Transmittal and a signed certificate of mailing by Mr. Moreno on January 27, 2005 is attached as Exhibit C. A copy of a stamped postcard receipt that properly identifies the second Fee Transmittal is attached as Exhibit D.

5. On October 19, 2005, a third Notice of Allowance was mailed. Part B (Fee Transmittal) of the third Notice of Allowance indicated an issue fee of \$0 and a publication fee of \$0. The third Fee Transmittal was signed by an attorney of record on October 28, 2005 and authorized payment of any fees, even though no fees were due. I then signed the certificate of transmission. A copy of the third Fee Transmittal with a signed certificate of mailing and a facsimile cover sheet are attached as Exhibit E.

6. On October 28, 2005, I delivered the signed third Fee Transmittal and the cover sheet to the facsimile department of Morrison & Foerster. After transmission of the third Fee Transmittal and the cover sheet, the papers were returned to me along with confirmation of transmittal. A copy of the return receipt confirmation is attached as Exhibit F. A copy of the facsimile department's Activity Report confirming both pages of this transmission were successfully transmitted to telephone number (571) 273-2885 on October 28, 2005 is attached as Exhibit G.

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Application No.: 10/758,632

3

Docket No.: 393032022200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: June 1, 2006

By 

Beverly S. Carter

Senior Paralegal

MORRISON &amp; FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5267

1a-858302

BLUEBIRD-DOCTO.COM (800) 477-0700

EXHIBIT A

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

25224 7590 12/11/2003

MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Beverly S. Carter (Depositor's name)  
*Beverly S. Carter* (Signature)  
February 20, 2004 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,632	01/10/2001	Yoshiki Nishitani	39303.20222.00	9558

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	03/11/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
FLETCHER, MARLON T	2837	084-615000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 MORRISON & FOERSTER LLP  
2  
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

YAMAHA CORPORATION

Hamamatsu-shi, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee

☒ Advance Order - # of Copies 10

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-1952 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) *David L. Fehman* (Date)

David L. Fehman, Reg. No. 28,600 02/20/2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

PTOL-85 (Rev. 10/03) Approved for use through 04/30/2004

OMB 0661-0017

U.S. DEPARTMENT OF COMMERCE

EXHIBIT B

Attorney Docket: 39303-20222.00 Date: February 20, 2004  
inventor(s): Yoshiki NISHITANI, et al. USSN: 09/758,632  
Title: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO  
INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE  
Due Date: March 11, 2004

**Enclosed are the following:**

1. Part B- Fee(s) Transmittal Form PTOL 85 (in duplicate- with authorization to charge Deposit Account for issue fee (\$1330.00), publication fee (\$300.00), and soft copies (\$30.00));
2. THIS RETURN RECEIPT POSTCARD.

DLF/bsc-la

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

**RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE**





BLUEBIRDSONG.COM (618) 477-0700

Exhibit C

Complete and send this form, together with

applicable fee(s), to: Mail

Mail Stop ISSU  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

25224 7590 10/28/2004

MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024

Note: A certificate of mailing can only be used for domestic mailings of Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSU FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Enrique Moreno (Depositor's name)  
Enrique Moreno (Signature)  
January 27, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,632	01/10/2001	Yoshiki Nishitani	39303.20222.00	9558

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$70	\$0	\$70	01/28/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
FLETCHER, MARLON T	2837	084-615000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Morrison & Foerster, L

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

YAMAHA CORPORATION

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hamamatsu-shi, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee

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4b. Payment of Fee(s):

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☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment Deposit Account Number 03-1952 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

David L. Feinman

Date January 27, 2005

Typed or printed name David L. Feinman

Registration No. 28,600

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXHIBIT D

EXHIBIT D

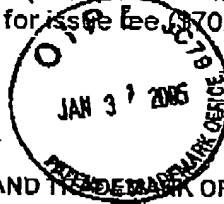
Attorney Docket: 39303-20222.00 Date: January 27, 2005  
Inventor(s): Yoshiki NISHITANI et al. USSN: 09/758,632  
Title: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO  
INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE  
Due Date: January 28, 2005

Enclosed are the following:

1. Part B- Fee(s) Transmittal Form PTOL 85 (in duplicate- with authorization to charge Deposit Account for issue fee (\$70.00), and and soft copies (\$30.00);
2. THIS RETURN RECEIPT POSTCARD.

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

25224 7590 10/19/2005

MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024

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## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first-class mail in an envelope addressed to the Mail-Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Beverly S. Carter

(Depositor's name)

*Beverly S. Carter*

(Signature)

October 28, 2005

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,632	01/10/2001	Yoshiaki Nishitani	39303.20222.00	9558

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$0	\$0	\$0	01/19/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
FLETCHER, MARLON T	2837	084-615000

## 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

## 2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 MORRISON &amp; FOERSTER LLP

2

3

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

## (A) NAME OF ASSIGNEE

Yamaha Corporation

## (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hamamatsu-shi, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

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## 5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*David I. Fehrman*

Date October 28, 2005

Typed or printed name David I. Fehrman

Registration No. 28,600

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To:

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MAIL STOP ISSUE FEE Commissioner for Patents	(571) 273-2885	(571) 272-4200

FROM: Beverly S. Carter

DATE: October 28, 2005

Number of pages with cover page:	2	RE: U.S. Patent Application No. 09/758,632 Our Ref.: 39303-20222.00
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LA-826054

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Received  
 Cover  
 Page

10/28/2005 15:20 FAX 2138925454		MORRISON & FOERSTER # 7		024	
<b>MORRISON &amp; FOERSTER</b>		33 WEST FIFTH STREET LOS ANGELES CALIFORNIA 90013-2074 TELEPHONE: 213.892.5454 FACSIMILE: 213.892.5454 WWW.MFO.COM		MORRISON & FOERSTER LLP NEW YORK, New York County, and ANNELOTT, PAUL BARRY, and KIMBERLY, T. J. JORDAN, Esq. NEW YORK, NEW YORK COUNTY, and KIMBERLY, T. J. JORDAN, Esq. NEW YORK, NEW YORK COUNTY, and KIMBERLY, T. J. JORDAN, Esq.	
To:					
Name:		FACSIMILE		TELEPHONE	
MAIL STOP ISSUE FEE Commissioner for Patents		(571) 273-2845		(571) 272-4200	
FROM: Beverly S. Carter		DATE: October 28, 2005			
Number of pages with cover page:		2		RE: U.S. Patent Application No. 09/758,632 Our Ref: 39903-20223.00	
Preparer of this slip has confirmed that facsimile number given is <u>2022/RSC4</u> correct.					
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Comments:					
Dear Sir or Madam:					
Attached to the Part B-5ee Transmittal for the issue fee, duly accepted by the attorney of record. The total issue fee and publication fees have been paid for this application. Therefore, we only request the 10 advance copies of the patent.					
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LA-626054					
PAGE 02 * RCVD AT 10/28/2005 6:19:59 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-6/01 * DNIS:272135 / CSID:2138925454 * DURATION (mm:ss):01:42					

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EXHIBIT G

\*\*\*\*\*  
 \*\*\* ACTIVITY REPORT \*\*\*  
 \*\*\*\*\*

34

154

ST. TIME	CONNECTION TEL/ID	SENDER NAME	NO.	MODE	PGS.	RESULT
10/27 15:52	0017#01181358021812#		0871	TRANSMIT ECM	1	OK 00'27
10/27 15:54	0017#01181357588772#		0872	TRANSMIT ECM	1	OK 00'26
10/27 15:54	6100#01181358021812#		0870	TRANSMIT	0	NG 00'00
					0	STOP
10/27 15:55	0017#01181357588772#		0873	TRANSMIT ECM	1	OK 00'26
10/27 18:08	9#00123#13108225969#		0874	TRANSMIT ECM	25	OK 05'54
10/28 09:05	3430#27#14159825287#		0875	B'CAST ECM	3	OK 00'59
10/28 09:08	3430#27#13105860257#		0875	B'CAST ECM	3	OK 00'57
10/28 10:33	0#00029#13232101291#		0876	TRANSMIT ECM	1	OK 00'27
10/28 10:52	9990#17#18003374903#		0877	TRANSMIT ECM	2	OK 00'48
10/28 12:00	344#011442072423290#		0878	TRANSMIT ECM	5	OK 01'31
10/28 12:54	56873#2#12136200100#		0879	B'CAST ECM	4	OK 01'11
10/28 12:56	56873#2#13108263210#		0879	B'CAST ECM	4	OK 01'10
10/28 12:57	56873#2#13102359982#		0879	B'CAST ECM	4	OK 01'04
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10/28 16:56	MERRILL LA REPRO		0881	TRANSMIT ECM	3	OK 01'03
	9990#17#12136171330#					
10/28 18:05	9990#17#16518321852#		0882	TRANSMIT ECM	3	OK 01'20
10/28 18:25	9990#17#18664773471#		0883	TRANSMIT ECM	1	OK 00'30
10/31 09:55	4400#01181357588772#		0884	TRANSMIT ECM	2	OK 00'41
10/31 09:31	0#00017#14159825287#		0885	B'CAST ECM	6	OK 01'47
10/31 09:33	0#00017#13105860275#		0885	B'CAST ECM	6	OK 01'44
10/31 10:05	4420#01181357588772#		0886	TRANSMIT ECM	2	OK 00'38
10/31 11:08	0#11717#18777299682#		0887	TRANSMIT G3	7	OK 02'35
10/31 11:58	80#9098#13238690590#		0888	TRANSMIT ECM	4	OK 01'28
10/31 15:33	0#00017#14154212433#		0889	TRANSMIT ECM	2	OK 00'37
10/31 15:35	0#00017#12067282779#		0890	TRANSMIT ECM	2	OK 00'37
10/31 17:42	85261#1#13102345699#		0891	TRANSMIT ECM	3	OK 00'54
10/31 17:45	85261#1#13102010018#		0892	TRANSMIT ECM	3	OK 00'53
10/31 18:23	1863#95#13107431850#		0893	TRANSMIT ECM	3	OK 01'03
10/31 18:29	1#00001#13236692840#		0894	B'CAST G3	3	OK 01'51
10/31 18:32	85261#00001#6213660#		0894	B'CAST ECM	3	OK 00'56
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	0#00002#13102054613#					
11/01 12:51	5#00001#17605101585#		0896	B'CAST ECM	10	OK 02'48
11/01 12:54	5#00001#16192350398#		0896	B'CAST ECM	10	OK 02'48
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11/01 16:06	4400#01181357588772#		0897	TRANSMIT ECM	3	OK 00'50
11/01 16:08	1#00102#13108219237#		0898	TRANSMIT ECM	2	OK 00'41
11/01 16:56	0002#01181335980086#		0899	TRANSMIT	0	NG 00'00
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11/01 17:12	0#00017#12133803898#		0901	TRANSMIT	0	NG 00'00
					0	STOP

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<b>Request For Continued Examination (RCE) Transmittal</b>  Address to: MS Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	09/758,632
	<b>Filing Date</b>	January 10, 2001
	<b>First Named Inventor</b>	Yoshiki NISHITANI
	<b>Art Unit</b>	2837
	<b>Examiner Name</b>	M. Fletcher
	<b>Attorney Docket No.</b>	393032022200

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☒ Information Disclosure Statement (IDS)

iv. ☒ Other Petition to Withdraw from Issuance

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952

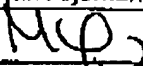
i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other Petition Fee (to withdraw from issue)

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Mehran Arjomand	Registration No. (Attorney/Agent)	48,231
Signature		Date	June 1, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below.

Dated: June 1, 2006

Signature: 

(Marco Jimenez)

PTO/SB/17p (11-04)  
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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)  Send completed form to: MS Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/758,632
	Filing Date	January 10, 2001
	First Named Inventor	Yoshiki NISHITANI
	Art Unit	2837
	Examiner Name	M. T. Fletcher
Attorney Docket Number	393032022200	

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.  
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :  
☒ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments  
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**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

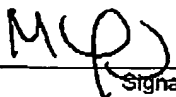
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.53 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

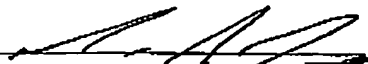
- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

  
 Signature  
 Mehran Arjomand  
 Typed or printed name  
 June 1, 2006  
 Date  
 48,231  
 Registration No., if applicable

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV70101506205, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below.

Dated: June 1, 2006

Signature:

 (Marco Jimenez)

PTO/SB/17 (12-04v2)  
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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL

### For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>		(\$)		790.00	
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**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
			0			0

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
			0

#### 3. APPLICATION SIZE FEE

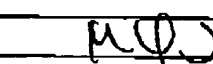
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
				0

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1801 Request for continued examination (RCE) (see 37 ...)	790.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	48,231	Telephone	(213) 892-5630
Name (Print/Type)	Mehran Arjomand	Date	June 1, 2006		

Express Mail Label No. EV701015062US  
(also sent via facsimile)

la-858308

PTO/SB/17 (12-04v2)  
Approved for use through 7/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL

### For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>		(\$)		790.00	
--------------------------------	--	------	--	--------	--

<b>Complete if Known</b>	
Application Number	09/758,632
Filing Date	January 10, 2001
First Named Inventor	Yoshiki NISHITANI
Examiner Name	M. T. Fletcher
Art Unit	2837
Attorney Docket No.	393032022200

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
0	0	0	0

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
0	0	0	0

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
0	0	0	0	0

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1801 Request for continued examination (RCE) (see 37 ...	790.00

**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent)	48,231	Telephone	(213) 892-5630
Name (Print/Type)	Mehran Arjomand		Date	June 1, 2006

Express Mail Label No. EV701015062US  
(also sent via facsimile)

1a-858308

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FOR FEE PROCESSING**

Express Mail Label No. EV701015062US

Patent

Docket No. 393032022200

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Patent Application of:  
Yoshiki NISHITANI et al.****Serial No.: 09/758,632****Filing Date: January 10, 2001****For: APPARATUS AND METHOD FOR  
DETECTING PERFORMER'S MOTION  
TO INTERACTIVELY CONTROL  
PERFORMANCE OF MUSIC OR THE  
LIKE****Examiner: M. T. Fletcher****Group Art Unit: 2837****SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98****Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450****Dear Sir:**

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the foreign documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO/SB/08a/b were cited in three Japanese office actions (English and Japanese copies enclosed), directed to counterpart foreign applications and have not been previously cited.

1a-858311



This Information Disclosure Statement is submitted:

- ☒ With the RCE application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.


Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petition and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 393032022200.

Dated: June 1, 2006

Respectfully submitted,

By   
Mehran Arjomand  
Registration No.: 48,231  
MORRISON & FOERSTER LLP  
555 West Fifth Street  
Los Angeles, California 90013-1024  
(213) 892-5630

la-858311

ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/758,632
				Filing Date	January 10, 2001
				First Named Inventor	Yoshiki NISHITANI
				Art Unit	2837
				Examiner Name	M. T. Fletcher
Sheet	1	of	1	Attorney Docket Number	393032022200

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-4,980,519	12-25-1990	Mathews	
	2.	US-5,406,300	04-11-1995	Tokimoto et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	3.	JP-03-81999	08-21-1991	Casio Keisanki Kabushiki Kaisha	partial translation.	✓
	4.	JP-4-184490	07-01-1992	Yamaha Corporation		✓
	5.	JP-6-67616	03-11-1994	Avix, Inc.	corres. to No. 2 above	
	6.	JP-6-161449	06-07-1994	Leland Stanford Jr. University	corres. to No. 1 above	
	7.	JP-7-302081	11-14-1995	Yamaha Corporation	with English abstract	
	8.	JP-8-16118	01-19-1996	Sekisui Chemical Co Ltd	with English translation	
	9.	JP-9-127937	05-16-1997	Yamaha Corporation		✓
	10.	JP-10-261035	09-29-1998	Hitachi Ltd.		✓

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.2). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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la- 858312